

REMARKS

Claims 1-31 are now pending in the application. The election of claims 1-25 is herein confirmed. Withdrawn claims 25-31 are canceled. Claims 2, 16, 20 and 23 have been amended to correct typographical errors as suggested by the Examiner. Allowable claims 16-23 have each been amended to place them in independent form as suggested by the Examiner. Additionally, independent claims 1, 11, and 24 have been amended to recite limitations fully supported in the application as originally filed at claims 4, 15, and allowable claims 16-22. Claims 4 and 15 are cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 6, 9, 11-12, and 24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Polish (U.S. Pat. No. US 5,963,202). This rejection is respectfully traversed.

The Examiner acknowledges that Polish fails to teach a feasible point calculation module that assesses whether the destination point resulting from a selected user interaction with the VCR function initiator will result in discontinuous playback.

Amended independent claims 1, 11, and 24 recite subject matter that distinguishes over Polish. For example, amended independent claim 1 recites "wherein said manager includes a feasible point calculation module that assesses whether a destination point located at or before a current broadcasting frame point and resulting from a selected user interaction with said VCR function initiator will result in discontinuous playback". Also, amended independent claims 11, and 24 recite,

“wherein according to size of the broadcasting segment through the channels of the network from the server to the client, said playback pointer designates the feasible playback starting point for a destination frame point p of the segment designated by VCR function commands, and location of said playback pointer is conditioned so as to ensure that modification of a requested VCR function relating to a destination point located at or before a current broadcasting frame point avoids discontinuous playback”. In short, each of the independent claims has been amended to recite determination of a feasible playback point, and/or related conditional location of such a playback point. Thus, Polish fails to teach all of the limitations of the independent claims 1, 11, and 24.

Accordingly, Applicant respectfully requests the Examiner withdraw the rejection of independent claims 1, 11, and 24 on these grounds, along with rejection on these grounds of all claims dependent therefrom.

REJECTION UNDER 35 U.S.C. § 103

Claims 2-3, 7-8, 10, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Polish (U.S. Pat. No. 5,963,202) in view of Official Notice. This rejection is respectfully traversed.

The Examiner admits that Polish teaches only one buffer having one loader; however, the Examiner erroneously takes Official Notice that it would be obvious to have multiple buffers. This Official Notice is respectfully traversed. For example, the Examiner borrows multiple buffers from the Examiner’s knowledge or assumptions relating to non-analogous arts. Also, the Examiner applies impermissible hindsight reasoning. Further, the lack of a reference teaching multiple buffers in the art indicates that it would not be obvious to have multiple buffers, especially given the desirable

results thereof as taught by the Applicant. Accordingly, if it were obvious to employ multiple buffers, then others would have done so, and there would be a reference available to the Examiner in the art that teaches multiple buffers.

Accordingly, Applicants respectfully request that the rejections of claims 2-3, 7-8, 10, and 13 be withdrawn on the basis that it is not well-known in the art to employ multiple buffers, and also on the basis of their dependence from allowable base claims.

Claims 4-5 and 14-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Polish (U.S. Pat. No. 5,963,202) in view of Eyer et al. (U.S. Pat. No. 6,588,015). This rejection is respectfully traversed.

The Examiner acknowledges that that Polish fails to teach a feasible point calculation module that assesses whether the destination point resulting from a selected user interaction with the VCR function initiator will result in discontinuous playback. The Examiner further acknowledges that Eyer et al. only teaches a version of such a module that prevents the user from skipping forward of a current broadcast point, thus having to wait for live play to begin . Thus, neither Polish nor Eyer et al. teach, suggest, or motivate a feasible point calculation module that assesses whether a destination point located at or before a current broadcasting frame point and resulting from a selected user interaction with said VCR function initiator will result in discontinuous playback.

Amended independent claims 1 and 11 recite subject matter that distinguishes over Polish and Eyer et al.. For example, amended independent claim 1 recites "wherein said manager includes a feasible point calculation module that assesses whether a destination point located at or before a current broadcasting frame point and resulting from a selected user interaction with said VCR function initiator will result in

discontinuous playback”. Also, amended independent claim 11 recites, “wherein according to size of the broadcasting segment through the channels of the network from the server to the client, said playback pointer designates the feasible playback starting point for a destination frame point p of the segment designated by VCR function commands, and location of said playback pointer is conditioned so as to ensure that modification of a requested VCR function relating to a destination point located at or before a current broadcasting frame point avoids discontinuous playback”. In short, each of independent claims 1 and 11 has been amended to recite determination of a feasible playback point, and/or related conditional location of such a playback point, upon user request to move to a destination playback point that is located at or before a current broadcast frame. Thus, Polish and Eyer et al. fail to teach, suggest, or motivate all of the limitations of the independent claims 1, 11, and 24.

In view of the cancellation of claims 4 and 15, Applicants respectfully request the Examiner withdraw the rejection of claims 5 and 14 based on their dependence from allowable independent claims.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 16-23 would be allowable if rewritten in independent form. Accordingly, Applicants have amended claims 16-23 to include the limitations of the base claim and any intervening claims. Therefore, claims 16-23 should now be in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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